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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/808,524	03/14/2001	David Harold Berry	CSA 2 0114	4510

7590 06/05/2003

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EXAMINER

SAETHER, FLEMMING

ART UNIT	PAPER NUMBER
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3679

DATE MAILED: 06/05/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/808,524

Applicant(s)

BERRY ET AL.

Examiner

Flemming Saether

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-- The MAILING DATE of this communication appears on the cover sheet with the corresponding address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 March 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4, 7-20 and 22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 11-20 and 22 is/are rejected.
- 7) ☐ Claim(s) 1-4 and 7-10 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

Claim Objections

Claims 1-4, 7-15 and 17 are objected to because of the following informalities: In claim 1, line 5, "as associated weatherseal" is a double inclusion which should be written --the associated weatherseal--; in line 7, there is no antecedent basis for "the nose" which should be written --a nose-- or --the self piercing end-- and; in line 9, it appears that "the weatherseal" should be --the weatherseal surface--. In claim 11, line 4, it appears "comprising" should not have been deleted. Claim 17 is now redundant due to the amendments to claim 16. In view of the objection noted with respect to the independent claims, the examiner advises that all the claims be reviewed. Appropriate correction is required. Lastly, there was no clean copy of the claims provided only a partially clean copy.

Claim Rejections - 35 USC § 103

Claims 11, 12 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Caldwell (US 4,403,895) in view of Hamamoto (US 5,694,666). Caldwell discloses a fastening peg (10) comprising a conical piercing point (32), a helical flange (36) spiraling radially and circumferentially from the point, a shoulder (40) axially spaced from the flange and, locking assembly (48). The helical flange terminated in a radial edge and as can be seen in Fig. 3, is spaced 360° from where the helical flange begins at the point. Caldwell further teaches a method of piercing and rotating to advance the fastener into the opening and then axially securing the fastener to an opening (28). Caldwell does not disclose the fastener in combination with a weatherseal. Hamamoto

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discloses a fastener (1) in combination with a weatherseal in order to secure it to a vehicle body. At the time the invention was made, it would have been obvious for one of ordinary skill in the art to use the fastener of Caldwell in combination with weatherseal as disclosed in Hamamoto in order that the fastener could be used to optimally attach a weatherseal. Hamamoto further discloses to provide a locking assembly with locking arms (8). At the time the invention was made, it would have been obvious for one of ordinary skill in the art to locking assembly of Caldwell with locking arms as disclosed in Mayers such that it would be easier to fit the locking assembly into an opening.

Claims 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Caldwell as applied to claims 11 and 12 above, and further in view of Schmidt. Schmidt teaches a threaded fastener wherein the threads begin at a location spaced from the point and to provide a thread to a pointed nose (Fig. 15). At the time the invention was made, it would have been obvious for one of ordinary skill in the art to provide the pointed nose of modified Caldwell space the beginning of the helical flange from the point and to provide the nose with the a thread as taught in Schmid in order to facilitate the piercing of the substrate as disclosed therein.

Claims 16-20 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Caldwell (US 4,403,895) in view of Hamamoto (US 5,694,666) and further in view of Stokes (US 3,517,581). As discussed above, the combination of Caldwell and

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Hamamoto discloses a self-piercing fastener used in combination with a weatherstrip.

In the discussion of the prior art, Stokes teaches that it is well known to self-pierce a substrate by initially drilling at a first rotational velocity while then advancing the threads at a second, slower, rotational velocity. At the time the invention was made, it would have been obvious for one of ordinary skill in the art to pierce and advance the fastener of modified Caldwell in a manner as disclosed in Stokes because as noted in Stokes such is well known for efficient assembly.

Allowable Subject Matter

Claims 1-4 and 7-10 would be allowable once the objections as noted above are corrected.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

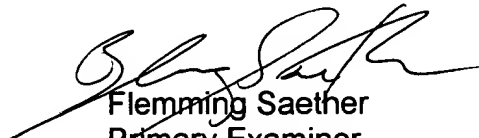
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Flemming Saether whose telephone number is 703-308-0182. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynne Browne can be reached on 703-308-1159. The fax phone numbers

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for the organization where this application or proceeding is assigned are 703-872-9326 for regular communications and 703-872-9327 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-2168.



Flemming Saether
Primary Examiner
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June 2, 2003